

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #7	CCRB Case #: 201801220	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/12/2018 9:15 PM	Location of Incident: § 87(2)(b)	Precinct: 122	18 Mo. SOL 8/12/2019	EO SOL 8/12/2019	
Date/Time CV Reported Tue, 02/13/2018 1:23 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 02/13/2018 1:23 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Masullo	05853	960899	122 PCT
2. POF Arlene Cook	05115	958431	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Steven Merola	04168	956929	121 PCT
2. POM Joseph Iallonardi	28640	935039	122 PCT
3. POM James Burns	05584	960295	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Masullo	Discourtesy: Police Officer Michael Masullo spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Michael Masullo	Off. Language: Police Officer Michael Masullo made remarks to § 87(2)(b) based upon religion.	§ 87(2)(b)
C.POM Michael Masullo	Abuse: Police Officer Michael Masullo refused to provide his name to § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

### Case Summary

On February 13, 2018, § 87(2)(b) filed the following complaint via the CCRB's website.

On February 12, 2018, at approximately 9:15 p.m., § 87(2)(b) returned to her family home at § 87(2)(b) in Staten Island, and observed an ambulance and several marked RMPs parked outside. § 87(2)(b)'s father, § 87(2)(b) was hurt and in the ambulance. § 87(2)(b) ran over to Police Officer Michael Masullo and Police Officer Arlene Cook, both of the 122<sup>nd</sup> Precinct, who were standing next to the ambulance, and asked what happened to her father. PO Masullo allegedly replied, "Get the fuck away from me. I don't have to explain shit to you" (**Allegations A: Discourtesy**, § 87(2)(g) § 87(2)(b) again asked PO Masullo what happened to her father, and he allegedly replied, "I don't have to explain shit to people like you" (**Allegations B: Offensive Language**, § 87(2)(g) § 87(2)(b) asked PO Masullo for his name and he "completely ignored" her (**Allegations C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was neither arrested or issued any summonses as a result.

There is no video evidence for this case.

### Findings and Recommendations

**Allegation A—Discourtesy: Police Officer Michael Masullo spoke discourteously to § 87(2)(b)**

**Allegation B—Offensive Language: Police Officer Michael Masullo made remarks to § 87(2)(b) based upon religion.**

**Allegation C—Abuse of Authority: Police Officer Michael Masullo refused to provide his name to § 87(2)(b)**

The investigation obtained three 911 calls, made by § 87(2)(b) and § 87(2)(b) respectively, the night of February 12, 2018. § 87(2)(b) and § 87(2)(b) called 911 before the officers responded, and § 87(2)(b) called after the officers had arrived on scene.

§ 87(2)(b) told the 911 operator that he is an employee of § 87(2)(b) that he had come to § 87(2)(b) in Staten Island to conduct a repossession, and that the owner of the vehicle, § 87(2)(b) attacked him (BR01). § 87(2)(b) stated that he and § 87(2)(b) had "a little scuffle" after § 87(2)(b) pushed him from behind while he was repossessing the vehicle, and tried to "take § 87(2)(b)'s truck." § 87(2)(b) is heard in the background, shouting, "You pushed him?! He's on the ground!" at § 87(2)(b) § 87(2)(b) confirmed to the operator that § 87(2)(b) was on the ground.

§ 87(2)(b) the wife of § 87(2)(b) told the 911 operator that her husband is on the ground and needs an ambulance right away (BR02). § 87(2)(b) was unable to describe what the emergency was, and when asked by the operator if § 87(2)(b) was hurt, § 87(2)(b) interjected and stated, "My father is on the floor outside. You need to stop asking questions and you need to come, now!" § 87(2)(b) was unable to describe how § 87(2)(b) came to be on the ground, and the operator informed her that an ambulance is on the way.

§ 87(2)(b) told the 911 operator that she needed additional officers to respond to her home because "a douchebag" pushed her father, and the officers on scene were not "doing shit" (BR03). § 87(2)(b) further stated that the officers were not speaking to her or

helping her with the “fucking asshole” who pushed her father, requested a supervisor to respond, and seemed to shout a racial epithet toward the officers before ending the call.

§ 87(2)(b) stated that on February 12, 2018, at approximately 9:15 p.m., she had just returned home from § 87(2)(b), and saw an ambulance and several marked RMPs parked in front of her house (BR04). § 87(2)(b) parked her vehicle, and § 87(2)(b) ran up to her and said that their father, § 87(2)(b) had been hit, sustained injury, and was inside the ambulance. § 87(2)(b) ran toward a group of uniformed officers standing in front of her home, and repeatedly asked them what had happened to § 87(2)(b) § 87(2)(b) stated that since she was “frantic,” she was yelling at the time, but explained she was not yelling at the officers but was panicked after hearing her father was hurt. The group of unidentified officers did not respond to § 87(2)(b) s questions.

§ 87(2)(b) followed by § 87(2)(b) ran over to a male officer and female officer, identified through the investigation as PO Masullo and PO Cook, respectively, who were standing next to the ambulance. § 87(2)(b) asked PO Masullo, “Can you tell me what happened to my father?” PO Masullo replied, “Get the fuck away from me. I don’t have to explain shit to you.” § 87(2)(b) repeated her question, and PO Masullo replied, “I don’t have to explain shit to people like you.” § 87(2)(b) asked, “What do you mean ‘people like me’?” and he again stated, “Get the fuck away from me.” § 87(2)(b) asked if she could see her father in the ambulance, and when PO Masullo told her no, she asked if he was refusing to help her because she is Muslim. PO Masullo did not respond. § 87(2)(b) asked for PO Masullo’s name and he “completely ignored” her, however, she was unable to describe specifically how he ignored her request other than he did not provide her with his name. While § 87(2)(b) did not provide any officer’s names or pedigrees when she initially filed this complaint, she did not allege she asked for any officers’ name, nor allege that any officer refused to provide it (BR15).

§ 87(2)(g) § 87(2)(b) stated that when § 87(2)(b) arrived home and was told what happened she began “freaking out” (BR05). § 87(2)(b) ran over to a male officer and a female officer standing next to the ambulance, and § 87(2)(b) followed. § 87(2)(b) was standing less than a foot away from the officers when she asked if she could speak to her father. The male officer replied no, and § 87(2)(b) screamed, “Why not?!” The male officer replied, “I don’t have to tell you shit. Get the fuck away from me.”

§ 87(2)(b) asked for the male officer’s name and he stated, “I don’t have to help people like you. Get away from me,” and got into the ambulance. § 87(2)(b) felt the male officer’s comment—that he did not have to help “people like you,”—was both derogative against her family being Muslim, and dismissive against her sister suggesting that the male officer did not have to help her because she was angry and screaming.

§ 87(2)(b) and § 87(2)(b) described the officer who used profanity and refused to provide his name to them as a white male in his late-20’s or early-30’s, who stood approximately 5’11” tall, weighed 185 pounds, had green or hazel eyes, and was dressed in uniform. § 87(2)(b) and § 87(2)(b) described the female officer who witnessed their interaction with the male officer as a Hispanic female, who stood approximately 5’3” tall, weighed 150 pounds, had black hair, and was dressed in uniform.

§ 87(2)(b) stated that after he pulled § 87(2)(b) from his tow truck, he called 911, and soon after, multiple units responded (BR06). § 87(2)(b) spoke to the officers and

told them what occurred. When the officers tried to speak with § 87(2)(b) and § 87(2)(b) they stated, “Fuck America. Fuck the NYPD,” and refused to speak with the officers. Once the ambulance arrived, the officers escorted § 87(2)(b) over to the ambulance, placed him inside, and handcuffed him. § 87(2)(b) stated that soon after, § 87(2)(b) arrived and immediately ran toward him but was stopped by the officers. § 87(2)(b) screamed at the officers to arrest § 87(2)(b) and after attempting to reason with her multiple times without success, the officers stopped speaking to her. A few moments later, two plainclothed officers approached § 87(2)(b) and asked if they could speak with her, and she replied, “Go fuck yourself.” § 87(2)(b) denied that any officer used profanity during the incident or made any reference, derogatory or otherwise, to the § 87(2)(b) family’s religion.

Arrest Report #§ 87(2)(b) prepared by Police Officer Steven Merola of the Staten Island Patrol Borough Auto Larceny Unit, regarding the arrest of § 87(2)(b) in sum and substance reported that § 87(2)(b) entered § 87(2)(b)’s truck without permission or authority to prevent the repossession of his vehicle (BR07). § 87(2)(b) attempted to drive away in the tow truck and travelled approximately five to ten feet before § 87(2)(b) physically removed him from the driver seat and placed § 87(2)(b) on the ground. § 87(2)(b) was charged with § 87(2)(b), and was issued a Desk Appearance Ticket (“DAT”) in regards.

PO Merola, a Hispanic male who was dressed in plainclothes during the incident, stated that when § 87(2)(b) arrived on scene, she was visibly upset, and ran between and argued with the multiple groups of uniformed officers present (BR08). PO Merola did not recall any of the substance of her conversations with the uniformed officers, and did not recall the uniformed officers or § 87(2)(b) using profanity toward each other. PO Merola did not transport or accompany § 87(2)(b) to the hospital, but remembered a uniformed officer from the 122<sup>nd</sup> Precinct rode in the ambulance. PO Merola did not recall § 87(2)(b) ask to see her father or attempt to enter the ambulance.

PO Merola denied that any officer told § 87(2)(b) to “get the fuck away” from them, that they “didn’t have to explain shit” to her, or told her that they “don’t have to explain shit to people like,” her. PO Merola also denied that any officer discussed the § 87(2)(b) family’s religion. PO Merola denied that § 87(2)(b) asked for his name, and denied that he refused to provide it.

PO Masullo, a § 87(2)(b)-old white male, who stands 5’11” tall, weighs 185 pounds, and was dressed in uniform during the incident, stated that upon arrival to the scene, he observed § 87(2)(b) on the ground and § 87(2)(b) next to his tow truck (BR09). PO Masullo stated that § 87(2)(b) complained of back pain, and once the ambulance arrived, PO Masullo escorted him over and placed him inside. PO Masullo stood at the back of the ambulance, and a few minutes later, § 87(2)(b) and § 87(2)(b) approached him. When they got close to him, PO Masullo ordered them to back up a few times, entered the ambulance, and closed the doors. PO Masullo thought that § 87(2)(b) and § 87(2)(b) wanted to speak to § 87(2)(b) thought that they were compliant with his order to back up, and did not recall either of them yelling or using profanity at him, though ultimately, he was not certain of these details because he was focused on § 87(2)(b) and the EMTs within the ambulance rather than the “hectic” scene outside.

PO Masullo denied that § 87(2)(b) or § 87(2)(b) asked for his name or shield number, and denied that he refused to provide it. PO Masullo also denied that he or any other officer told § 87(2)(b) or § 87(2)(b) to “get the fuck away,” or that he “did

not have to explain shit to people like,” them. PO Masullo did not recall any individual wearing religious garments during the incident.

In her CCRB interview, PO Cook, a Hispanic female, who stands 5’3” tall, weighs 145 pounds, has black hair, and was dressed in uniform during the incident, initially had no recollection of the incident, did not recall responding, and did not make any memo book entries in regards. However, after being apprised of certain details of the case, namely that she matched the description of the witness officer standing at the back of the ambulance with PO Masullo, PO Cook admitted that she did recall the incident, that she responded, that she forgot to make a memo book entry, and provided a limited statement in regards.

PO Cook did not recall whether § 87(2)(b) was inside the ambulance or on the ground when she arrived at the location (BR10). PO Cook described the § 87(2)(b) family as being generally upset by the situation, and specifically recalled that § 87(2)(b) and § 87(2)(b) were “very upset,” and ran around the scene yelling at the officers. PO Cook denied having any direct conversation with either female, and did not recall either female request any information from her. PO Cook described § 87(2)(b)s and § 87(2)(b)s behavior as “ranting,” rather than requesting information, though she did not recall any specific statements either of them made. PO Cook denied that any officer told § 87(2)(b) to “get the fuck away,” or told her that they “don’t have to explain shit to people like” her.

Police Officer James Burns and Police Officer Joseph Iallonardi, both of the 122<sup>nd</sup> Precinct, were also present during the incident, § 87(2)(g)

PO Burns, who was partnered with PO Masullo, stated that § 87(2)(b) arrived at the midway point of the incident, acted belligerent, screamed at the officers, and demanded to know where her father was (BR11). PO Burns and PO Iallonardi (BR12) both acknowledged that § 87(2)(b) approached them during the incident, asked what happened to her father, and was upset upon learning that § 87(2)(b) was being arrested and was in the ambulance. While both officers acknowledged that § 87(2)(b) went over to the ambulance and continued to behave belligerently and appeared irate, PO Burns recalled her and PO Masullo having a conversation near the back of the ambulance. Upon being asked, PO Burns clarified that he only observed PO Masullo and § 87(2)(b) speaking and did not hear or later learn about the substance of their interaction. PO Burns stated that PO Masullo did not appear frustrated with § 87(2)(b) during their conversation, and did not remember how long their interaction lasted. PO Burns and PO Iallonardi denied that any officer told § 87(2)(b) to “get the fuck away,” or told her that they “don’t have to explain shit to people like” her.

While PO Burns could not recall whether § 87(2)(b) asked for any officer’s name or shield number, and denied that he refused to provide it; PO Iallonardi stated that § 87(2)(b) asked for all the officers’ names and shield numbers, but denied that any officer refused to provide their name or shield number to her. PO Iallonardi further stated that § 87(2)(b) specifically asked for his name and shield number and he provided it.

§ 87(2)(g)

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(2)(g) [Redacted text block]

§ 87(4-b), § 87(2)(g) [Redacted text block]

§ 87(4-b), § 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint that § 87(2)(b) and § 87(2)(b) have been a party.
- PO Masullo, a two-year-member-of-service, has had no prior CCRB complaints filed against him. This was the first complaint filed against PO Masullo.
  - PO Masullo has had two additional CCRB complaints filed against him: CCRB #201807254 and CCRB #201807658, which are both pending investigation. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) rejected mediation.
- On December 7, 2018, a FOIL request was sent to the NYC Comptroller's Office to determine whether § 87(2)(b) filed a Notice of Claim in regard to this incident (BR13). The results of the request will be added to the case file upon receipt.

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: 7

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date